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Appl. No. : 09/855,340  
Applicant : Hosted et al.  
Filed : May 15, 2001  
TC/AU : 1636  
Examiner : Walter Schlapkohl  
Docket No. : IN01164K US  
Confirm. No.: 9296

Declaration by Dr. Thomas Hosted, Jr. and Dr. Ann C. Horan  
Under 37 C.F.R. § 1.131

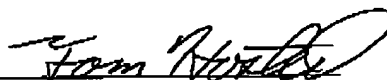
We, Dr. Thomas Hosted, Jr. and Dr. Ann C. Horan, co-  
inventors of the above-referenced patent application,  
declare as follows:

1. The *Xis* gene polynucleotide was isolated and the nucleotide sequence of the gene was identified to be as set forth in SEQ ID NO: 2 before the January 12, 2000 priority date of U.S. patent application publication no. 2004/0101832 and U.S. patent no. 6,861,513. Furthermore, all work set forth herein and in the exhibits hereto was performed at the Schering-Plough Research Institute which is located in Kenilworth, New Jersey, USA.
2. Enclosed exhibit A is a true copy of a page from co-inventor Hosted's laboratory notebook showing the sequence data referred to in paragraph 1 (dates redacted). The nucleotide and amino acid sequence labeled "Xis like" is the *Xis* sequence.
3. The *M. carbonacea* attP/attB region was isolated and the nucleotide sequence of the region was identified to be as set forth in SEQ ID NO: 6 before the January 12, 2000 priority date of U.S. patent application publication no. 2004/0101832 and U.S. patent no. 6,861,513.
4. Enclosed exhibit B is a true copy of a page from co-inventor Hosted's laboratory notebook showing the

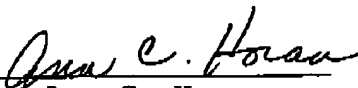
sequence data referred to in paragraph 3 (dates redacted). The notebook page of exhibit B includes a comparison between two nucleotide sequences. The bottom sequence, from nucleotides 188 to 434, is the attP/attB region of SEQ ID NO: 6.

5. All the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Date: 7/11/2006

  
Thomas J. Hosted, Jr.

Date: 6/22/2006

  
Ann C. Horan



30

Edge custom (MWG) vs Edge#4 custom (Seqright)

1 CCTCGTACTCTCGATCGCGGTNCGGATCTGCTGTACGGGCACCTGCCTGAGGAGGT CGA 60  
 81 CGAGGGGATCCTCPCCGCGATCGAGGAGGCGATGGCCGCCCTCCGGGCTGAGGACCTGGA 120  
 121 GGCBSA ACTCGACGAGGAGCTGACGGACGTGTTGGCCGACCGAGCATGATCAACTCTAGG 180  
 181 GGAGGGGTAGGGGAATCCACTCCGGAGACGCCCGGAGCAATCCGGAGCATGACGGAGCAA 240  
 241 CGAGCAGGT CAGGTGGGCTGTTGACCCCTGACCAAGGCCCGGTACGGTTCAATTCCC 300  
 361 ATCAGTCACCCGTACACGAAGGCCCGCTCACTCGGAGGGGGCTTCGGCTTCCTGAGG 360  
 421 GTTCGGGT CAGGCGGTGGGCTCGGCTCGGCTGGGGGACTCGGCGCGGTTCGGCGGTCTGAGG 420  
 481 TCGGCT CCGGGGAGGGCGGTGGGCTCGGCTCGGCTCGGCTCGGCTCGGCTCGGCTCGGCT 480  
 541 TCCTCCAGCTCATGTTCCAGTCGGTCCAGCCGTTGCCGTTGGGAGCTTACGTTCCGTG 540  
 601 CCCTTGACGGT GATCGGTCGCGGAGCCGGGTGTTGTGGAACAGCCAGGCCGCTGTTCT 600  
 661 TCATCGAGACGTTGACGCGAGCGGTGCGAGACGTTGACGCTGCCCTGCTGCCCTCGGACC 660  
 721 TCATCGAGACGTTGACGCGAGCGGTGCGAGACGTTGACGCTGCCCTGCTGCCCTCGGACC 720  
 781 -AGGGGGCGGGTGGATG-AACTCGCGGCGGCGAGGTGAGGCGCTGCGGCTAGTCGATCTT 780  
 841 CAGGGGGCGGGTGGATG-AACTCGCGGCGGCGAGGTGAGGCGCTGCGGCTAGTCGATCTT 840  
 901 CGTGGGTACCGCTCGTGGGAGCCAGCTCCTCGAAGGTGTCAAAGACGCTCTTGCGTAGT 900  
 961 TTCTGCGATGACGACCATGTTCCGCTGGAGGAGCGGCTGCTGTTCTTGCCGAGGCTGAC 960  
 1021 GGGG 971

p511870-4 (See Notebook # 52818 pg 103)

840 Pail edge carb 4  
(0071 bp)

Hydroxycarbonyl resistance B-lactamase

\* MWG + Seqright are the companies from which the sequencing data was obtained.